

**BEFORE THE STATE ETHICS COMMISSION
STATE OF GEORGIA**

IN THE MATTER OF:

DANIEL LEE

Respondent.

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Case No.: 2004-0067

CONSENT ORDER

Following a preliminary hearing on April 15, 2005, the Commission found reasonable grounds to believe that Daniel Lee (hereinafter "Respondent") violated the Ethics in Government Act, and this case was set down for an Administrative Procedure Act hearing.

Now prior to an Administrative Procedure Act hearing, the State Ethics Commission and the Respondent agree and consent to the following terms to resolve the pending case by Consent Order.

FINDINGS OF FACT

A.

The Respondent was a candidate for Georgia Senate District 29, or held such office, at all times relevant to the matters asserted herein.

B.

In his 1998 Campaign Contribution Disclosure Report due on December 31, the Respondent failed to list the dates of twenty-five contributions and provide specificity of purpose of one expenditure. The Respondent amended his report regarding this issue on April 26, 2005.

C.

In his 2000 Campaign Contribution Disclosure Report due on December 31, the Respondent failed to list the address on two expenditures and to provide specificity of purpose of one expenditure. The Respondent amended his report regarding this issue on September 9, 2004.

D.

In his March 31, 2002 Campaign Contribution Disclosure Report, the Respondent failed to list his total contributions and total expenditures, list the date of one contribution, list the address of two expenditures, and to provide specificity of purpose of one expenditure. The Respondent amended his report regarding this issue on April 26, 2005.

E.

In his June 30, 2002 Campaign Contribution Disclosure Report, the Respondent failed to list the address of nine expenditures. The Respondent amended his report regarding this issue on April 26, 2005.

F.

In his September 30, 2002 Campaign Contribution Disclosure Report, the Respondent failed to list the address of two contributions and to provide specificity of purpose of two expenditures. The Respondent amended his report regarding these two issues on September 9, 2004 and April 20, 2005, respectively.

G.

In his October 25, 2002 Campaign Contribution Disclosure Report, the Respondent failed to provide specificity of purpose of one expenditure. The Respondent amended his report regarding this issue on September 9, 2004.

H.

In his December 31, 2002 Campaign Contribution Disclosure Report, the Respondent failed to provide specificity of purpose of two expenditures. The Respondent amended his report regarding this issue on April 26, 2005.

I.

In his June 30, 2003 Campaign Contribution Disclosure Report, the Respondent failed to list the address of two expenditures and to provide specificity of purpose of three expenditures. The Respondent amended his report regarding these two issues on September 9, 2004 and April 26, 2005, respectively.

CONCLUSIONS OF LAW

J.

“When the commission determines that a complaint relates to a technical defect in filing, the subject of the complaint shall be given a period of ten days to correct the alleged technical defect. . . . If during such ten-day period the alleged technical violation is cured by an amended filing . . . no penalty shall be imposed.” O.C.G.A. § 21-5-7(b)(2) (2001).

K.

This case began in 2003 when the Respondent was made aware of a complaint that alleged technical violations. The Commission's staff originally contacted the Respondent under the provision concerning technical provisions, O.C.G.A. § 21-5-7.

L.

Within the ten-day period provided to correct technical defects, the Respondent provided all the requested information in the form of a letter filed with the Secretary of State's Office. The Commission's staff contacted the Respondent to explain that his attempt to provide the information had not met the requirements of the law that he properly file amendments to his Campaign Contribution Disclosure Reports.

M.

As a follow-up in 2004, the Commission's staff informed the Respondent of numerous amendments that needed to be made to his Campaign Contribution Disclosure Reports for the time period from 1998 to 2004. The Respondent made these properly filed amendments on September 9, 2004, April 20, 2005, and April 26, 2005.

N.

For any contributions of \$101.00 or more, the campaign contribution disclosure reports must include the amount and date of receipt of the contribution as well as the name and mailing address of the contributor. O.C.G.A. § 21-5-34(b)(1)(A).

O.

For any expenditures of \$101.00 or more, the campaign contribution disclosure reports must include the amount and date of receipt of the expenditure as well as the name and mailing address of the expenditure. O.C.G.A. § 21-5-34(b)(1)(B).

P.

Campaign contribution disclosure reports must list the total contributions received and the total expenditures made. O.C.G.A. § 21-5-34(b)(1)(D).

Q.

Campaign contribution disclosure reports must include "the general purpose of the expenditure with such detail as show the expenditure is for a purpose lawfully authorized for campaign funds." Ga. Comp. R. & Reg. 189-3-.01(3).

R.

The Commission may impose a civil penalty not to exceed \$1,000.00 for each violation of the Ethics in Government Act. O.C.G.A. § 21-5-6(b)(14)(C)(i).

S.

The Commission finds that the Respondent violated O.C.G.A. § 21-5-34 due to his omissions on the original filings on his Campaign Contribution Disclosure Reports at issue in this case. The Commission finds that the Respondent violated Ga. Comp. R. & Reg. 189-3-.01 due to his omissions on the original filings on his Campaign Contribution Disclosure Reports at issue in this case.

THEREFORE, the Commission and the Respondent agree and consent:

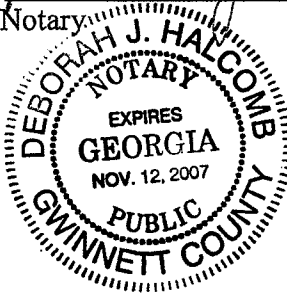
- 1) that the Respondent committed eight technical defect violations of the Ethics in Government Act due to the omissions on the eight reports at issue in this case;
- 2) that the Respondent will cease and desist from any and all violations of the Ethics in Government Act and to comply with all the provisions thereof; and
- 3) that the Respondent will pay a civil penalty of \$100.00 per report, a total of a \$800.00 civil penalty, from personal funds and not from campaign funds or government funds for his omissions on his Disclosure Reports, within 30 days of the date this order is signed by the Commission.

By signing this order, the Respondent waives any right to an appeal pursuant to the procedures outlined in O.C.G.A. § 50-13-19.

Signature of Daniel Lee attested to on
this 22nd day of AUGUST, 2006.

By:

Notary:



RESPONDENT:

Daniel Lee

SO ORDERED, this 24 day of August, 2006.

STATE ETHICS COMMISSION

BY:

JACK WILLIAMS

Chairman

State Ethics Commission